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UNCLAS DJIBOUTI 001372

SIPDIS

STATE FOR AF AND AF/E; PARIS, LONDON FOR AFRICA WATCHER

E.O. 12958: N/A

TAGS: [PREL](#) [PGOV](#) [DJ](#)

SUBJECT: BORREL AFFAIR: ATTORNEY GENERAL SUMMONED TO FRANCE

1. (U) Summary: French magistrate Bernard Borrel, found dead 80 Km north of Djibouti in 1995, has surfaced once again in the national media. The Court of Versailles in Paris summoned (for September 30th, 2004) Procureur de la Republique (Attorney General of Djibouti), Djama Souleiman, to present himself before the examining French magistrate to respond to a complaint entered by the widow of Bernard Borrel. For over ten years the case has remained open amid Mrs. Borrel's claims that members of the Government of Djibouti assassinated her husband because he discovered incriminating information regarding the 1990 bombing of the Caf de Paris in Djibouti City. Souleiman did not feel obligated to answer the summons from the French judge because, he said, "Djibouti is an independent and sovereign country." End summary.

2. (U) The government run newspaper, La Nation, ran the transcript of an (October 4th, 2004) interview with Procureur de la Republique, Djama Souleiman, regarding the summons by French magistrates to appear in court for testimony in the ongoing Borrel case. Djibouti's Attorney General, Djama Souleiman, was called (for Sept.30th) to testify in France before the examining judge in the case of the apparent murder of Judge Bernard Borrel in Djibouti in 1995. The widow of the deceased brought the case to the French courts after a joint Djiboutian-French tribunal ruled the cause of death could not be determined. Borrel's widow holds the belief that members of the Djiboutian Government assassinated her husband. When questioned as to why he did not respond to the judge's request, Souleiman said, "French magistrates forget easily that Djibouti is an independent and sovereign country. They still think that Djibouti is a French territory. There is a judicial agreement between Djibouti and France since September 27th 1986 and that if they want to call me, they have to go through that procedure". He highlighted that each country must respect the legal procedures of that agreement.

3. (U) On the issue of whether the media's actions in the Borrel affair would damage the case, Souleiman commented that the wife of Judge Borrel has decided to believe in the assassination thesis although it is a suicide. On the other hand, Mr. Souleiman pointed the finger to the lawyer of Mrs. Borell, whom in his opinion "has with racist condescension created an imaginary country where anything can happen." He continued, "These racist attitudes find some echoes in certain media's treatment of Africa and Africans with contempt."

4. (U) The approach of Djibouti's next presidential election and the sensationalist media coverage of this case is linked, according to Souleiman who stated the goal of Mrs. Borrel and her lawyers is to destabilize Djibouti. He continued to say, "they will have no influence," and admonished the French justice to stay impartial.

5. (U) The question regarding the effect on the relations between France and Djibouti elicited a positive answer from Souleiman. He stated that the official reactions of the French government and the "warlike declarations" of Mrs. Borell have to be dissociated. In response to the query of how effective the judicial cooperation had been between the two countries, Souleiman concluded that during the last ten years Djibouti had done everything possible to satisfy the French justices. He said, "I know of no place in the world that would open the doors of its presidency to a foreign institution for investigations purposes. We did that. Cooperation in all fields to be effective must have some reciprocity".

6. (SBU) Comment: In the past after the French media has brought up the Borrel affair, the Djiboutian national media runs stories against France. This occasion the government media sources in Djibouti were silent. There are two thoughts as to why the government has not responded in the usual manner. First, the French Minister of Justice was heard the next day in Radio France International (French official radio broadcasted worldwide) and highlighted the obligation of presumption of innocence and admonished the judges not to hurry in any conclusions. Second, the joint statement issued recently from the French Defense and Foreign Affairs ministries was released clarifying their respective positions towards Djibouti and this case. This statement seemed to satisfy Djibouti officials. Embassy lawyer

Alain Martinet was also called to testify and did agree to the request of the French courts.